

and amending sections 404 and 3622 of this title, section 7902 of Title 5, Government Organization and Employees, and sections 652 and 668 of Title 29, Labor] may be cited as the ‘Postal Employees Safety Enhancement Act’.”

#### SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-41, §1, Aug. 13, 1997, 111 Stat. 1119, provided that: “This Act [enacting section 414 of this title and provisions set out as a note under section 414 of this title] may be cited as the ‘Stamp Out Breast Cancer Act’.”

#### SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-123, title VII, §701(a), Oct. 28, 1993, 107 Stat. 1267, provided that: “This title [enacting section 3642 of this title, amending sections 410, 2401, 3202, 3601, 3625 to 3627, and 3683 of this title, and enacting provisions set out as notes under sections 2401, 3621, 3626, and 3683 of this title] may be cited as the ‘Revenue Forgone Reform Act’.”

#### SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-421, §1, Sept. 24, 1976, 90 Stat. 1303, provided: “That this Act [amending sections 404, 2003, 2401, 3601, 3604, 3622, 3623, 3624, 3626, 3641, and 3683 of this title, and enacting provisions set out as notes under sections 404, 3601, 3624, 3641, and 3661 of this title] may be cited as the ‘Postal Reorganization Act Amendments of 1976’.”

#### SHORT TITLE

Pub. L. 91-375, §1, Aug. 12, 1970, 84 Stat. 719, provided: “That this Act [revising this title, enacting sections 1735 to 1737 of Title 18, Crimes and Criminal Procedure, amending section 356 of Title 2, The Congress, section 19 of Title 3, The President, sections 101, 104, 2104, 2105, 3104, 3304a, 4301, 5102, 5303, 5304, 5312, 5314 to 5316, 5541, 6301, 6323, 7101, and 8344 of Title 5, Government Organization and Employees, sections 24 seventh par., 1701d-3, and 1701e of Title 12, Banks and Banking, section 637 of Title 15, Commerce and Trade, section 4607-1 of Title 16, Conservation, section 8 of former Title 17, Copyrights, sections 12, 440, 441, 500, 501, 612, 876, 877, 1114, 1303, 1341, 1342, 1463, 1696, 1699, 1703, 1704, 1707, 1709 to 1713, 1715, 1716, 1716A, 1717, 1718, 1721 to 1725, 1729, 1730, 1733, and 3061 of Title 18, section 611 of Title 22, Foreign Relations and Intercourse, sections 72 fifth par., 129, and 724a of former Title 31, Money and Finance, sections 356, 474, 615, 723, and 724 of former Title 40, Public Buildings, Property, and Works, and section 2942 of Title 42, The Public Health and Welfare, repealing section 3327 of Title 5 and section 1028 of former Title 31, and enacting provisions set out as notes under this section and sections 201, 601, 1001, 1003, 1201, 2002, 2004, 3010, and 3621 of this title] may be cited as the ‘Postal Reorganization Act’.”

### § 102. Definitions

As used in this title—

(1) “Postal Service” means the United States Postal Service established by section 201 of this title;

(2) “Board of Governors”, and “Board”, unless the context otherwise requires, mean the Board of Governors established under section 202 of this title;

(3) “Governors” means the 9 members of the Board of Governors appointed by the President, by and with the advice and consent of the Senate, under section 202(a) of this title;

(4) “Inspector General” means the Inspector General appointed under section 202(e) of this title;

(5) “postal service” refers to the delivery of letters, printed matter, or mailable packages,

including acceptance, collection, sorting, transportation, or other functions ancillary thereto;

(6) “product” means a postal service with a distinct cost or market characteristic for which a rate or rates are, or may reasonably be, applied;

(7) “rates”, as used with respect to products, includes fees for postal services;

(8) “market-dominant product” or “product in the market-dominant category of mail” means a product subject to subchapter I of chapter 36;

(9) “competitive product” or “product in the competitive category of mail” means a product subject to subchapter II of chapter 36; and

(10) “year”, as used in chapter 36 (other than subchapters I and VI thereof), means a fiscal year.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(a)(2)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-379; Pub. L. 109-435, title I, §101, Dec. 20, 2006, 120 Stat. 3199.)

#### AMENDMENTS

2006—Pars. (5) to (10). Pub. L. 109-435 added pars. (5) to (10).

1996—Par. (4). Pub. L. 104-208 added par. (4).

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

### CHAPTER 2—ORGANIZATION

Sec.	
201.	United States Postal Service.
202.	Board of Governors.
203.	Postmaster General; Deputy Postmaster General.
204.	General Counsel; Judicial Officer; Chief Postal Inspector.
205.	Procedures of the Board of Governors.
206.	Advisory Council.
207.	Seal.
208.	Reservation of powers.

#### AMENDMENTS

1996—Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(f)(2)(B)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-383, in item 204 substituted “General Counsel; Judicial Officer; Chief Postal Inspector” for “Assistant Postmasters General; General Counsel; Judicial Officer”.

### § 201. United States Postal Service

There is established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720.)

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### TRANSFER OF FUNCTIONS; ABOLITION OF OFFICE

Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, provided that: “There are hereby transferred to the United States Postal Service all the functions, powers, and du-

ties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished.”

Provisions of section 4(a) of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

#### INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE

Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(e)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-382, provided that:

“(1) FIRST APPOINTMENT.—The first Inspector General of the United States Postal Service appointed pursuant to the amendments made by this section [amending sections 102, 202, 204, 410, and 1003 of this title, section 5315 of Title 5, Government Organization and Employees, and section 8G of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, and renumbering another section 8G of the Inspector General Act of 1978 as 8H] shall be appointed before the end of the 90-day period beginning on the date of the enactment of this Act [Sept. 30, 1996].

“(2) TRANSFERS.—

“(A) IN GENERAL.—All measures described in section 8G(b) of the Inspector General Act of 1978 necessary to establish an Office of Inspector General within the United States Postal Service pursuant to this section, including all appropriate transfers, shall occur—

“(i) no earlier than the date the appointment under paragraph (1) is made; and

“(ii) no later than 60 days after the date the appointment under paragraph (1) is made.

“(B) PROVISIONS RELATING TO PERSONNEL.—

“(i) CONSULTATION.—Decisions concerning which personnel are to be transferred pursuant to subparagraph (A) shall be made by the Governors (within the meaning of section 102(3) of title 39, United States Code) in consultation with the Inspector General appointed under paragraph (1).

“(ii) TRANSFERRED PERSONNEL.—Personnel transferred pursuant to subparagraph (A) shall, to the extent not inconsistent with other provisions of this subsection, be transferred in accordance with applicable laws and regulations relating to the transfer of functions within the United States Postal Service, except that, notwithstanding any provision of section 1003(b) of title 39, United States Code, as amended by this section, the classification and compensation of such personnel shall not be reduced, by reason of having been transferred, for 1 year after being so transferred.

“(3) TRANSITION PROVISION.—The Chief Postal Inspector may continue to serve as Inspector General of the United States Postal Service until the date on which an Inspector General is appointed under paragraph (1) or, if earlier, the end of the period referred to in such paragraph. Compensation for any service under this paragraph shall be determined as if this section had not been enacted.”

#### § 202. Board of Governors

(a)(1) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall represent the public interest gener-

ally, and shall be chosen solely on the basis of their experience in the field of public service, law or accounting or on their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; except that at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of \$30,000 a year plus \$300 a day for not more than 42 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in attending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 42 days.

(2) In selecting the individuals described in paragraph (1) for nomination for appointment to the position of Governor, the President should consult with the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

(b)(1) The terms of the 9 Governors shall be 7 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term. A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.

(2) No person may serve more than 2 terms as a Governor.

(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

(d) The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

(e)(1) The Governors shall appoint and shall have the power to remove the Inspector General.

(2) The Inspector General shall be appointed—

(A) for a term of 7 years;

(B) without regard to political affiliation; and

(C) solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The Inspector General may at any time be removed upon the written concurrence of at least 7 Governors, but only for cause. Nothing in

this subsection shall be considered to exempt the Governors from the requirements of section 8G(e) of the Inspector General Act of 1978.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 720; Pub. L. 98–81, § 2, Aug. 23, 1983, 97 Stat. 487; Pub. L. 99–190, § 144, Dec. 19, 1985, 99 Stat. 1324; Pub. L. 104–208, div. A, title I, § 101(f) [title VI, §§ 644(a), 662(a)(1)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–366, 3009–378; Pub. L. 109–435, title V, § 501(a)(1), (b), (c)(1), (d)(1), Dec. 20, 2006, 120 Stat. 3232, 3233.)

#### REFERENCES IN TEXT

Section 8G of the Inspector General Act of 1978, referred to in subsec. (e), is section 8G of Pub. L. 95–452, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109–435, § 501(a)(1), designated existing provisions as par. (1) and substituted “The Governors shall represent the public interest generally, and shall be chosen solely on the basis of their experience in the field of public service, law or accounting or on their demonstrated ability in managing organizations or corporations (in either the public or private sector) of substantial size; except that at least 4 of the Governors shall be chosen solely on the basis of their demonstrated ability in managing organizations or corporations (in either the public or private sector) that employ at least 50,000 employees. The Governors shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.” for “The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause.”

Subsec. (a)(2). Pub. L. 109–435, § 501(b), added par. (2).

Subsec. (b). Pub. L. 109–435, § 501(d)(1), designated existing provisions as par. (1) and added par. (2).

Pub. L. 109–435, § 501(c)(1), which directed amendment of first sentence by substituting “7 years” for “9 years”, was executed by making substitution for “9 years” the first place appearing in first sentence, to reflect the probable intent of Congress.

1996—Subsec. (a). Pub. L. 104–208, § 101(f) [title VI, § 644(a)], substituted “\$30,000 a year” for “\$10,000 a year”.

Subsec. (e). Pub. L. 104–208, § 101(f) [title VI, § 662(a)(1)], added subsec. (e).

1985—Subsec. (a). Pub. L. 99–190 substituted “42” for “30” in two places.

1983—Subsec. (b). Pub. L. 98–81 inserted provision that a Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–435, title V, § 501(a)(2), Dec. 20, 2006, 120 Stat. 3232, provided that: “The amendment made by paragraph (1) [amending this section] shall not affect the appointment or tenure of any person serving as a Governor of the United States Postal Service under an appointment made before the date of enactment of this Act [Dec. 20, 2006] [.] however, when any such office becomes vacant, the appointment of any person to fill that office shall be made in accordance with such amendment. The requirement set forth in the fourth sentence of section 202(a)(1) of title 39, United States Code (as amended by subsection (a)) shall be met beginning not later than 9 years after the date of enactment of this Act [Dec. 20, 2006].”

Pub. L. 109–435, title V, § 501(c)(2), Dec. 20, 2006, 120 Stat. 3233, provided that:

“(A) CONTINUATION BY INCUMBENTS.—The amendment made by paragraph (1) [amending this section] shall not affect the tenure of any person serving as a Governor

of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] and such person may continue to serve the remainder of the applicable term.

“(B) VACANCY BY INCUMBENT BEFORE 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served less than 7 years of that term, the resulting vacancy in office shall be treated as a vacancy in a 7-year term.

“(C) VACANCY BY INCUMBENT AFTER 7 YEARS OF SERVICE.—If a person who is serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] resigns, is removed, or dies before the expiration of the 9-year term of that Governor, and that Governor has served 7 years or more of that term, that term shall be deemed to have been a 7-year term beginning on its commencement date for purposes of determining vacancies in office. Any appointment to the vacant office shall be for a 7-year term beginning at the end of the original 9-year term determined without regard to the deeming under the preceding sentence. Nothing in this subparagraph shall be construed to affect any action or authority of any Governor or the Board of Governors during any portion of a 9-year term deemed to be a 7-year term under this subparagraph.”

Pub. L. 109–435, title V, § 501(d)(2), Dec. 20, 2006, 120 Stat. 3233, provided that: “The amendments made by paragraph (1) [amending this section] shall not affect the tenure of any person serving as a Governor of the United States Postal Service on the date of enactment of this Act [Dec. 20, 2006] with respect to the term which that person is serving on that date. Such person may continue to serve the remainder of the applicable term, after which the amendments made by paragraph (1) shall apply.”

#### EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–208, div. A, title I, § 101(f) [title VI, § 644(b)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–366, provided that: “Subsection (a) [amending this section] shall take effect at the beginning of the next applicable pay period beginning after the date of the enactment of this Act [Sept. 30, 1996].”

#### EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

#### SAVINGS PROVISION

Payment to Governors of Board of Governors of Postal Service of \$300 a day for not more than 60 days of meetings in each of first 2 years following effective date of this section [see Effective Date note set out above], notwithstanding this section, see section 5(g) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

### § 203. Postmaster General; Deputy Postmaster General

The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

(Pub. L. 91–375, Aug. 12, 1970, 84 Stat. 721.)

#### EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91–375, set out as a note preceding section 101 of this title.

#### § 204. General Counsel; Judicial Officer; Chief Postal Inspector

There shall be within the Postal Service a General Counsel, such number of Assistant Postmasters General as the Board shall consider appropriate, a Judicial Officer, and a Chief Postal Inspector. The General Counsel, the Assistant Postmasters General, the Judicial Officer, and the Chief Postal Inspector shall be appointed by, and serve at the pleasure of, the Postmaster General. The Judicial Officer shall perform such quasi-judicial duties, not inconsistent with chapter 36 of this title, as the Postmaster General may designate. The Judicial Officer shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Postmaster General. The Chief Postal Inspector shall report to, and be under the general supervision of, the Postmaster General. The Postmaster General shall promptly notify the Governors and both Houses of Congress in writing if he or she removes the Chief Postal Inspector or transfers the Chief Postal Inspector to another position or location within the Postal Service, and shall include in any such notification the reasons for the removal or transfer.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(f)(2)(A)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-382.)

##### AMENDMENTS

1996—Pub. L. 104-208, §101(f) [title VI, §662(f)(2)(A)(i)], in section catchline substituted “General Counsel; Judicial Officer; Chief Postal Inspector” for “Assistant Postmasters General; General Counsel; Judicial Officer”.

Pub. L. 104-208, §101(f) [title VI, §662(f)(2)(A)(ii)-(iv)], substituted “a Judicial Officer, and a Chief Postal Inspector.” for “and a Judicial Officer.” and “the Judicial Officer, and the Chief Postal Inspector” for “and the Judicial Officer”, and inserted at end “The Chief Postal Inspector shall report to, and be under the general supervision of, the Postmaster General. The Postmaster General shall promptly notify the Governors and both Houses of Congress in writing if he or she removes the Chief Postal Inspector or transfers the Chief Postal Inspector to another position or location within the Postal Service, and shall include in any such notification the reasons for the removal or transfer.”

##### EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-7 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### § 205. Procedures of the Board of Governors

(a) The Board shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

(c) The Board shall act upon majority vote of those members who are present, and any 6 members present shall constitute a quorum for the transaction of business by the Board, except—

(1) that in the appointment or removal of the Postmaster General, and in setting the

compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

(3) as otherwise provided in this title.

(d) No officer or employee of the United States may serve concurrently as a Governor. A Governor may hold any other office or employment not inconsistent or in conflict with his duties, responsibilities, and powers as an officer of the Government of the United States in the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721.)

##### EFFECTIVE DATE

Subsecs. (a) and (d) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors, and subsecs. (b) and (c) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

#### § 206. Advisory Council

(a) There shall be a Postal Service Advisory Council of which the Postmaster General shall be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of major mail users, and (3) 3 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(b) The Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

##### EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

##### TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year pe-

riod following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

### § 207. Seal

The seal of the Postal Service shall be filed by the Board in the Office of the Secretary of State, judicially noticed, affixed to all commissions of officers of the Postal Service, and used to authenticate records of the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

#### EFFECTIVE DATE

Section effective Jan. 16, 1971, pursuant to Resolution No. 71-5 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

### § 208. Reservation of powers

Congress reserves the power to alter, amend, or repeal any or all of the sections of this title, but no such alteration, amendment, or repeal shall impair the obligation of any contract made by the Postal Service under any power conferred by this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

#### EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

## CHAPTER 4—GENERAL AUTHORITY

Sec.	
401.	General powers of the Postal Service.
402.	Delegation of authority.
403.	General duties.
404.	Specific powers.
404a.	Specific limitations.
405.	Printing of illustrations of United States postage stamps.
406.	Postal services at Armed Forces installations.
407.	International postal arrangements.
408.	International money-order exchanges.
409.	Suits by and against the Postal Service.
410.	Application of other laws.
411.	Cooperation with other Government agencies.
412.	Nondisclosure of lists of names and addresses.
413.	Postal services at diplomatic posts.
414.	Special postage stamps.
415.	Prohibition on restriction or elimination of services.
416.	Authority to issue semipostals.

#### AMENDMENTS

2012—Pub. L. 112-234, §2(e)(2), Dec. 28, 2012, 126 Stat. 1625, renumbered Pub. L. 106-253, §2(d). See 2000 Amendment note below.

2006—Pub. L. 109-435, title IV, §403(c), Dec. 20, 2006, 120 Stat. 3227, added item 404a.

2000—Pub. L. 106-253, §2(c), formerly §2(d), July 28, 2000, 114 Stat. 636, as renumbered §2(c) by Pub. L. 112-234, §2(e)(2), Dec. 28, 2012, 126 Stat. 1625, added item 416.

1998—Pub. L. 105-241, §4(b), Sept. 28, 1998, 112 Stat. 1573, added item 415.

1997—Pub. L. 105-41, §2(c), Aug. 13, 1997, 111 Stat. 1121, added item 414.

1990—Pub. L. 101-524, §5(b), Nov. 6, 1990, 104 Stat. 2303, added item 413.

### § 401. General powers of the Postal Service

Subject to the provisions of section 404a, the Postal Service shall have the following general powers:

- (1) to sue and be sued in its official name;
- (2) to adopt, amend, and repeal such rules and regulations, not inconsistent with this title, as may be necessary in the execution of its functions under this title and such other functions as may be assigned to the Postal Service under any provisions of law outside of this title;
- (3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;
- (4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;
- (5) to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;
- (6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2002 of this title;
- (7) to accept gifts or donations of services or property, real or personal, as it deems, necessary or convenient in the transaction of its business;
- (8) to settle and compromise claims by or against it;
- (9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and
- (10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722; Pub. L. 109-435, title IV, §403(b)(1), title V, §504, Dec. 20, 2006, 120 Stat. 3227, 3235.)

#### AMENDMENTS

2006—Pub. L. 109-435, §403(b)(1), substituted "Subject to the provisions of section 404a, the" for "The" in introductory provisions.

Par. (2). Pub. L. 109-435, §504, amended par. (2) generally. Prior to amendment, par. (2) read as follows: "to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;"

#### EFFECTIVE DATE

Pars. (1) and (3) to (10) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors and par. (2) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.